

REMARKS

Interview Summary

Examiner Van Doren, the applicant and the Applicant's representative participated in an Examiner Interview on March 13, 2008.

The rejection of Claim 88 was discussed. The parties were not able to come to agreement.

The differences between "priority" as taught in the cited art and "availability" as recited in the claims was discussed. The Examiner stated that she would reconsider her interpretation of these terms based on arguments made by the applicant.

The rejection of Claim 1 was discussed. In particular, the Applicant pointed out that two arguments on page 18 of the Response to Office Action filed on December 6, 2007 had in two successive office actions not been addressed by the Examiner. The Examiner promised to consider and respond to these arguments in the next action.

Claim 92 was discussed. The Applicant explained the relationship between the limitations of this claim and Claim 1 from which it depends. The Examiner stated she now understood the intent of the claim language and the rejection under 35 U.S.C. § 112 would be withdrawn.

Claim 78 was discussed. Specifically, the Applicant explained how the language of Claim 78 requires that a caller be a party to more than one request. The Examiner agreed with this interpretation following the Applicant's explanation.

Claim 56 was discussed. The Examiner stated that she would reconsider her position based on the Applicant's arguments.

Claim 83 was discussed. The Applicant pointed out that the cited art teaches that the common party only participates in one meeting (the other is cancelled), while Claim 83 recites that the common party participates in both (e.g. two) meetings. The Examiner agreed with the Applicant's position with regard to this claim.

Status of the Claims

Claims 1, 3-8, 54-57 and 72-98 are currently pending. Claims 37-41 are previously cancelled. Claims 28, 32, 42-49, 53 and 58-71, previously withdrawn, are cancelled in this amendment without traverse. Claims 97 and 98 are new.

Entry of Amendment

Claims 28, 32, 42-49, 53 and 58-71 are cancelled to place the application in better form for appeal.

The Applicant has added Claims 97 and 98 for the specific purpose of placing the application in better condition for appeal. Claims 97 and 98 are identical to Claim 88 and 89 except that the second to last claim element in each of Claims 88 and 89 has been *removed*.

By definition removal of claims elements from Claims 88 and 89 represent a *broadening* over the scope of Claims 88 and 89. As such, the Examiner should be able to directly apply her rejection of Claims 88 and 89 to Claims 97 and 98, and no further search or analysis should be required. The Applicant believes that these amendments are in compliance with § 1.116(b)(2) in that they present Claims 88 and 89 in better form for consideration on appeal. (See the discussion of Claims 88 and 89 below.) As such, the Application requests that Claims 97 and 98 be entered after final.

Rejections under 35 U.S.C. § 112

Claim 92 was rejected under § 112 on the grounds that the claim was unclear to the Examiner. This objection was overcome in the Examiner Interview discussed above.

Claim 96 is rejected due to “insufficient antecedent basis for the claim limitation ‘the phone’.” The Examiner is reminded of the standard for rejection under § 112 as established under *Metabolite* – only when a claim remands insolubly ambiguous without discernible meaning after all reasonable attempts at construction must a court declare it indefinite. See MPEP § 2100-2111. The Applicant assumes that reminding the Examiner of the applicable standard is sufficient to overcome this objection. Otherwise, the Applicant suggests that the Examiner and Applicant’s representative discuss this objection “on the phone.”

Claims 88-89 and 91 are rejected under 35 U.S.C. 102(e) as being anticipated by Gisby et al. (US 6,044,146).

Regarding Claim 88,

Claim 88 recites:

*88. (Previously Presented) A method comprising:
transmitting or receiving a first request for a first real-time meeting between a requestor and a first target, the requestor and the first target being individuals;
determining that the first target is unavailable, using a computing system;
waiting until the first target changes from being unavailable to being available;
when the first target is available, determining if the requestor is available;
if the requestor is available, then initiating the first real-time meeting; and
if the requestor is unavailable, then waiting until a time the requestor becomes available.*

In rejecting Claim 88, the Examiner states:

The limitation “if the requestor is unavailable, then waiting until a time the requestor becomes available” does not occur in methods where the requestor is available, in the previous limitations. Therefore, since Gisby et al. teaches that the requestor is available, the limitation “if the requestor is unavailable, then waiting until a time the requestor becomes available” is not required.

1) At issue in the rejection of Claim 88 is whether the fact that there are conditions under which a method step is not performed relieves the Examiner of the requirement to show that step in the prior art.

The requirement that an Examiner point out a prior art teaching of every limitation in a claim is well established. See for example, MPEP § 2106.II.C which states “[w]hen evaluating the scope of a claim, every limitation in the claim must be considered,” (Diamond v. Diehr, emphasis in original) and MPEP § 2131 which states a “claim is anticipated only if each and every element as set forth in the claim is found.” If the Examiner intends to use a standard for rejection under 102(e) other than those of MPEP § 2106.II.C. and MPEP § 2131 as quoted above by the Applicant, then the Applicant requests that the Examiner clearly articulate this standard and cite statutory support.

The Examiner does not cite any regulation, rule, statute or decision that would relieve her of the requirement to show a teaching of every claim element in the prior art. To the contrary, the Examiner’s position is in direct contradiction to well established case law.

The Applicant has previously argued that the Examiner has failed to meet the requirements of a *prima facie* case for rejection. In response the Examiner argues that there are conditions under which particular limitations will not occur. The Applicant respectfully points out that the Examiner’s arguments are off point. It is immaterial that under particular conditions a particular method step will not be performed. What is material is whether the Examiner has presented a *prima facie* case for rejection.

First, there are other conditions in which the step *will* be performed. Under these conditions the cited art clearly does not teach the limitations of the claim. There is no basis that allows the Examiner can pick and choose which conditions under which the claim should be considered. The fact that there are some conditions under which a method step will occur means that the Examiner must find this step in the cited art or allow the claim.

Second, assuming for the sake of argument that the Examiner is correct in her position that when there is some condition that a step is not performed, then there is no need to show the

limitations of that step in rejecting a claim. This position would make all conditional claim limitations irrelevant. By their very nature a claim that includes “if X then Y” suggests that there are some conditions under which X is false. If the Examiner’s position were correct, then any method step that included conditional language could be ignored by merely pointing out the case where the condition is false. This is clearly not the case and the Examiner’s position, therefore, cannot be correct.

Third, the fallacy of the Examiner’s position can also be illustrated as follows. Consider for the sake of argument that the Applicant amended Claim 88 by removing the limitation “*if the requestor is available, then initiating the first real-time meeting.*” Claim 88 would then recite:

*transmitting or receiving a first request for a first real-time meeting between a requestor and a first target, the requestor and the first target being individuals;
determining that the first target is unavailable, using a computing system;
waiting until the first target changes from being unavailable to being available;
when the first target is available, determining if the requestor is available; and
if the requestor is unavailable, then waiting until a time the requestor becomes available.*

By definition this amendment would be a broadening of Claim 88 because a limitation is removed. Any teaching that anticipated the original version of Claim 88 should, therefore, also anticipate this claim. However, the Examiner’s basis for ignoring the last claim element has now been eliminated. Specifically, the condition that the requestor is available is no longer part of the claim. The Examiner must, therefore, consider the last claim element, which is not taught by the cited art. The result is that a broader claim is not anticipated by the cited art while a narrow claim is anticipated. Clearly, this cannot be the case. The suggestion that the last claim element can be ignored in the original claim must, therefore, be false.

New Claims 97 and 98 have specifically been added to the application in order to present this example on appeal.

The Examiner has failed to point out the limitations “*if the requestor is unavailable, then waiting until a time the requestor becomes available,*” in the cited art. The Applicant, therefore,

once again requests that the Examiner point out teaching of ALL limitations within Claim 88, or allow Claim 88 and the claims that depend therefrom.

Regarding Claim 89,

Claim 89 recites:

*89. (Previously Presented) The method of Claim 88, further comprising:
in response to the requester becoming available, determining if the first target is still available;
if the first target is still available, then initiating the first real-time meeting; and
if the first target is unavailable, then waiting until the first target becomes available.*

1) At issue in the rejection of Claim 89 is whether the fact that there are conditions under which a method step is not performed relieves the Examiner of the requirement to show that step in the prior art, specifically when the Examiner suggests that the method step is not taught by the prior art.

Regarding Claim 89, the Examiner states regarding the cited art “the limitation ‘if the requester is unavailable, then waiting until a time the requestor becomes available’ is not required, and therefore the limitations of claim 89 further do not occur.” This appears to be an express admission that the cited art does not teach the limitations of Claim 89. Given this admission, the Applicant requests that the Examiner allow Claim 89. The Examiner appears to be arguing that Gisby doesn’t include limitations of Claim 88 and 89. These arguments support allowability of these claims rather than their rejection.

As discussed above, the fact that there are certain conditions under which conditional statements do not occur does not relieve the Examiner of the requirements of showing the limitations of a conditional step in the prior art. The Applicant, therefore, requests that the Examiner point out teachings of all the limitations of Claim 89 within the cited art or allow Claim 89.

The Applicant further believes that Claim 89 is allowable for at least the same reasons as Claim 88, from which it depends.

Regarding Claim 91,

Claim 91 recites:

*91. (Previously Presented) The method of claim 88, further comprising:
transmitting or receiving a second request for a second real-time meeting between a second requestor and the first target, the second request being transmitted or received between a time the first request is transmitted or received and a time the first real-time meeting is initiated;
and
initiating the second real-time meeting prior to the first real-time meeting if the second requester becomes available before the first requester.*

1) At issue in the rejection of Claim 91 is the interpretation of the claim terms “requestor becomes available” and “becomes available.”

In the cited art callers are placed in a call center queue and connected to agents when they reach the end of the queue. It appears that the Examiner is reading the teaching of a caller reaching the end of the queue as “becoming available.” At other times that Examiner appears to read the mere presence in a prioritized queue as teaching available and unavailable. The Applicant traverses these interpretations of the claim terms on at least two grounds. First (a), this interpretation of the claim term “available” contradicts the use of the term within the specification. Second (b), in the cited art, the progression of the queue is a function of the availability of an agent who receives the call rather than the availability of a caller (requestor).

(a) In the specification the term “availability” is used, for example, to indicate the general ability or desire of a party to engage in a meeting. In various embodiments: A party can be off the phone but still available; someone may be available before a call is initiated and the call initiated when both parties become available; availability may be determined using a wide variety of criteria; and a meeting requestor can become available and then unavailable multiple times while waiting to have the meeting. These uses of the term “availability” are independent

of and contradictory to interpreting availability as a position in a call center queue. A requestor becoming available is, thus, not taught by advancement in a queue.

More specifically the specification characterizes “availability,” in various examples, as follows:

- (i) At paragraph [0009] (US 2003/0191676 A1) the specification teaches that in some circumstances availability is determined before adding a request to a queue while in other embodiments “requests are always queued before availability is determined.” This shows that the specification treats availability as something independent of being placed in queue.
- (ii) At paragraph [0010] availability is taught to be tracked through actions such as “pressing buttons on the phone, speaking to the phone, knowing when the user is moving and how fast (i.e., the difference between walking and driving), knowing if the phone is on the user’s body (body heat), eventually knowing the user’s exact location, both to decide availability and to route calls to landlines in that exact location.” Again, this concept of “availability” is not taught by merely position in a queue.
- (iii) At paragraph [0012] the specification teaches that availability “is preferably determined based on a variety of factors, including whether the user is typing at his computer, whether the user is physically in the room, and scheduled periods of availability for a user.” These factors are contradictory to the Examiner’s position that availability is determined by reaching the end of a queue. Specifically, whether or not a user is typing at a computer, the physical location of the user, or a scheduled period, have no relation to reaching the end of a call center queue.

- (iv) At paragraph [0033] the specification teaches that the software 112 uses various metrics to decide if a party is available for a call, including explicit action (i.e., by the party running a program or invoking a function in a running program) and implicit measurements such as tracking keyboard and mouse activity, noise in the room, phone use, lights, door activity, motion sensors (and other devices used by security systems), "electric eye" etc." Again, availability decided through these metrics is not taught by a position in a call center queue.
- (v) At paragraph [0035] it is taught that a call is initiated only after mutual availability has been made. This can either be performed by a computer or one of the parties can be ask to manually place a call. In contrast, the systems of the prior art require that a caller first initiate the call and wait "on hold" in order to stay in the call center queue. The position in a queue does not teach an availability that is determined before the call is *initiated*.
- (vi) At paragraph [0051] it is taught that a user can change from being available to being unavailable. This is contrary to the Examiner's suggestion that reaching the end of a queue is what makes a caller available because there is no teaching in the cited art that they could then become unavailable and then available again.
- (vii) Paragraphs [0054] – [0080] teach further criteria for determining availability, these include but are not limited to:
- [0055] Start or end of call or other use of phone.
 - [0056] Off-hook: Unavailable
 - [0057] Recently off-hook: Probably available
 - [0058] Recent activity at computer input devices (mouse, keyboard etc.)
 - [0059] Probably available
 - [0060] Conversation near microphone
 - [0061] Available but possibly in meeting. Possibly Available after conversation stops.

- [0062] Lights turned on/off (based on time of day)
- [0063] Possibly available if lights turned on recently and still on. Not available after lights off outside daylight hours
- [0064] Weight in chair or on floor
- [0065] Possibly available if sitting in chair
- [0066] Motion sensor triggers/stops triggering
- [0067] Available if recent motion sensed in room
- [0068] (others as needed)
- [0069] Opening/closing of door
- [0070] User may configure "door closed" as a signal of unavailability.
- [0071] Spoken commands
- [0072] Simple voice recognition (closest match) on phrases such as "hold calls" etc.
- [0073] Computer keyboard/mouse based commands
- [0074] User may of course set availability state, or even browse pending calls using computer interface
- [0075] Touchtone commands
- [0076] If system is able to listen to DTMF tones from phone, users may prefer to use these to substitute for computer commands.
- [0077] Remote access touchtone commands
- [0078] If user is not at desk but using remote phone interface, touchtone codes (and caller ID information from incoming call) to control system, change location, set availability status.
- [0079] Scheduled periods of availability
- [0080] User may have default periods when they are always available unless they signal otherwise or metrics signal otherwise. The system may determine his availability by reading the user's calendar.

These criteria are all in agreement with the Applicant's interpretation of the term "availability" as, for example, to indicate the ability or desire of a party to engage in a meeting. In contrast, they are not criteria that would be used to determine when a caller reaches the end of a call center queue. Therefore, the queue does not teach "availability" as used in the specification as filed.

(viii) Paragraph [0082] teaches that certain embodiments allow requesters and targets to specify their availability during a predetermined time period, such as the estimated duration of the RTM (real-time meeting). Again, this teaching is in agreement with the Applicant's position and would not make sense if "availability" meant position in a queue.

- (ix) Paragraph [0090] teaches that several messages can have mutual availability and these can be sorted by priority. This shows that availability is treated differently from priority, is in agreement with the Applicant's use of the term "availability" and that availability is determined independent of a queue position.
- (x) Paragraph [0133] teaches that a user may become available when a call in which the user is engaged ends. This would not be possible if "availability" meant merely position in a queue but is in agreement with the Applicant's interpretation of the term "availability."
- (xi) Paragraph [0237] teaches that a user can have an accidental status of available or unavailable. This would not be possible if "availability" meant merely position in a queue but is in agreement with the Applicant's interpretation of the term "availability."
- (xii) Further, several of the claims as filed provide examples of "availability" that is certainly not taught by a position in a queue. For example, in Claim 19 as originally filed includes criteria for determining the highest priority request. One of these criteria is the "expected remaining time of availability." In Claim 20 as originally filed the determination of "availability of a user" is taught to include monitoring the activity of a user to determine whether the user is physically present; and displaying at least one request identifying a requestor..." In Claim 24 as originally filed a determination of whether the user is physically present is "is made by checking one or more of: start or end of a call; other use of phone; recent activity at computer input devices; conversation near microphone; lights turned on/off; weight in chair or on floor;

a motion sensor: opening/closing of door; spoken commands; computer keyboard/mouse based commands; touchtone commands; and scheduled periods of availability.” In Claim 26 as originally filed it is taught that “a determination of availability is made by monitoring the activity of the user’s environment.” All of these example, are in agreement with the Applicant’s position as to the interpretation of the term “available” but, are clearly not in agreement with a position that “availability” is merely a call center queue position.

(b) Second, in rejecting Claim 91 the Examiner suggests that figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6 lines 35-45, or column 7, lines 1-15 and 35-50, teach the limitations “*initiating the second real-time meeting prior to the first real-time meeting if the second requester becomes available before the first requester.*” More specifically, the text cited by the Examiner teaches the progression of a caller to first position a call center queue and the Examiner suggests this teachings “*the ... requester becomes available.*” The Applicant traverses these suggestions.

The Application believes that the position of the Examiner is incorrect because in the system of Gisby the requestor (caller) is always available while they are waiting in the queue and also because advancement in the queue is a function of the status of the target not the requestor.

Specifically, in Gisby a caller waits in a queue at a call center waiting for an agent to become available. The caller is on hold and waiting on the phone while in the queue. It is the position of the Applicant that a caller waiting on hold would always be considered “available.” They are, after all, waiting on hold to be connected and presumably would like to be connected as soon as possible, as such, they are “available.” It is unclear how a person waiting on hold could be considered unavailable. Typically, they would like to engage in the meeting as soon as

possible. The caller in Gisby is, therefore, always available while waiting in the queue and advancement to the first position in the queue cannot teach “*the ... requester becomes available.*”

The claim limitations “*initiating the second real-time meeting prior to the first real-time meeting if the second requester becomes available before the first requester,*” and where “*the second request being transmitted or received between a time the first request is transmitted or received and a time the first real-time meeting is initiated,*” require in combination that the order in which requests are received is different than the order in which requesters become available.

However, in Gisby the requestors become available at the time each request is made (e.g., when they call the call center) and they are placed in the queue (put on hold). As such, the order of availability is the same as the order of requests. The Applicant is unable to identify any teaching that the order in which real-time meetings are requested is not the same as the order in which requestors become available, particularly where that order of availability is different than the order in which requests were made as recited in Claim 91. As such, the cited art does not teach “*initiating the second real-time meeting prior to the first real-time meeting if the second requester becomes available before the first requester,*” as recited in Claim 91.

Further, the Applicant is unable to identify any teaching of an unavailable requestor in a queue within Gisby. Specifically, there is no mechanism for them to become unavailable and then available again. Further, as requestors are available when they first join the queue there does not appear to be any mechanism taught that would allow them requester to become unavailable and then available again while in the queue. In Gisby, it appears that requesters are assumed to always be available if they are in the queue. As such, there is no way for the second requestor to become available before the first requestor and the cited art does not teach “*initiating the second real-time meeting prior to the first real-time meeting if the second requester becomes available before the first requester,*” as recited in Claim 91.

Further, in Gisby a caller advances in the queue as agents finish their calls and are ready to serve the next caller in the queue (Figures 2-3). As such, advancement in the queue is representative a change in state of the agent rather than that of the caller. The teachings cited by the Examiner therefore are more properly interpreted as teaching an agent becoming available rather than a caller becoming available.

Column 3, lines 1-20 of Gisby teach a process by which calls of higher priority may bump calls of lower priority. These teachings, thus, do not appear to be related to requestors becoming available, rather in these teachings, it is call center agents not requestors that become available and unavailable. Requestors always appear to be available, although some may have different priorities than others. The Applicant is unable to identify any teaching that the order in which real-time meetings are initiated is dependent on the order in which requestors become available, particularly where that order is different than the order in which requests were made.

Column 5, lines 20-40 of Gisby teach the priority and bumping system of Figure 3. As discussed above, these teachings appear to be dependent on the availability of agents rather than the availability of requesters. Further, they do not teach that the order in which real-time meetings are initiated is dependent on the order in which requestors become available, particularly where that order is different than the order in which requests were made.

Column 6 lines 35-34 teach actions based on the availability of agents rather than requesters.

Column 7 lines 1-15 and 35-50 teach actions based on the availability and capability of agents rather than requesters.

The Applicant is, thus, unable to identify any teaching in the cited art of *"initiating the second real-time meeting prior to the first real-time meeting if the second requester becomes available before the first requester,"* and where *"the second request being transmitted or*

received between a time the first request is transmitted or received and a time the first real-time meeting is initiated,” as recited in Claim 91. The Applicant, therefore, requests that the Examiner point out teachings of these limitations within the cited art with particularity, or allow Claim 91.

The Applicant further believes that Claim 91 is allowable for at least the same reasons as Claim 88, from which it depends.

Claims 1, 3-8, 54-55, 72-79, 81-82, 84-85 and 87 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby et al. in view of Yacenda et al. (U.S. 5,515,426).

Regarding Claim 1,

Claim 1 recites:

1. (Previously Presented) A computer-implemented method for the intermediation of real time meetings, comprising:
receiving an indication by a requester system that a requester (R-A) wants to request a realtime meeting M-A with a target T-A;
sending to a decider system (D) a request to conduct a real time meeting M-A;
queuing the request for the meeting M-A by the decider system;
receiving by the decider system (D) an availability status of T-A;
receiving by the decider system (D) an availability status of R-A, where a possible availability status includes not available;
receiving an indication by the requester system that a requester (R-B) wants to request a realtime meeting M-B with target T-B, the meeting M-B to be disjoint in time with the meeting M-A; and such that one of the parties to M-A (R-A or T-A), known as the 'common party' is also the same as one of the parties to M-B (R-B or T-B) and thus there are three distinct parties, the decider D being associated with the common party;
sending to the decider system (D) a request to conduct a real time meeting M-B;
queuing the request for the meeting M-B by the decider system, such that requests for at least two distinct meetings, disjoint in time are placed in the queue, so that multiple pending real time meetings for the common party are in the queue at the same time;
receiving by the decider system (D) an availability status of target T-B;
receiving by the decider system (D) an availability status of the requester R-B, where a possible availability status includes not available;
initiating, by the decider, one of the two meetings M-A and M-B by connecting the common party and the other party to that meeting when the common party and that other party are mutually available; and
dequeuing the request for a meeting.

1) At issue in the rejection of Claim 1 is the interpretation of the claim term “availability status.”

In the rejection of Claim 1, the Examiner appears to believe that “availability status” is taught by merely a priority ranking among requesters, while the Applicant disagrees. The Examiner is referred to the Applicant’s arguments above with respect to Claims 88 and 91 as to the meaning of “availability.”

2) At issue in the rejection of Claim 1 is the interpretation of the claim term “availability status,” where “availability status” includes “not available.”

In the rejection of Claim 1, the Examiner appears to believe that “availability status” where one of the possible statuses includes “not available” is taught by merely a priority ranking among requesters.

It is the position of the Applicant that a teaching of a prioritization does not teach an availability status that includes “not available.” Priority is a relative ranking between objects (callers of Gisby) in which one object can have a greater priority than another object. In contrast “not available” a unitary state independent of the states of other objects. The Examiner has failed to provide an explanation of how a priority ranking among callers teaches an availability status that includes “not available.”

Further, in Gisby, all requestors appear to be available while in the queue even though they may have different priority. Thus, the terms “priority” and “availability” clearly have different uses and meanings in the cited art, and “priority” does not teach “availability.”

Further, the terms “priority” and “availability” clearly have substantially different dictionary definitions. For example:

The American Heritage dictionary of the English Language, Fourth Edition

(2006) defines “priority” as:

1. Precedence, especially established by order of importance or urgency.
2.
 - a. An established right to precedence.
 - b. An authoritative rating that establishes such precedence.
3. A preceding or coming earlier in time.
4. Something afforded or deserving prior attention.

The same dictionary defines “availability” as:

1. Present and ready for use; at hand; accessible: *kept a fire extinguisher available at all times.*
2. Capable of being gotten; obtainable: *a bedspread available in three colors.*
3. Qualified and willing to serve or assist: *a list of available candidates; was not available for comment.*
4.
 - a. *Chemistry* Capable of being used in a chemical reaction: available electrons.
 - b. *Botany* Present, as in soil, and capable of being used by plants as a nutrient: *available water; available minerals.*
 - c. Capable of bringing about a beneficial result or effect.
 - d. *Law* Valid. Used especially of a plea.

The Applicant is unable to identify any commonality between these definitions that would allow the Examiner to suggest that “Priority” teaches “Availability.”

Finally, the Examiner is referred to the specification as filed which clearly treat the status of a requester and the priority of a request as different things. See for example Paragraph [0012] which teaches the separate determination of availability and priority. The examples provided in this paragraph of factors to be used in these determinations are mutually exclusive. See also Paragraph [0136] which teaches the display of priority and availability to a user. In this paragraph priority and availability are treated as separately displayable objects.

For at least the above reasons, “priority” and “availability” are distinctly different things and a teaching of “priority” does not anticipate a claim limitation of “availability.”

3) Further at issue in the rejection of Claim 1 is the interpretation of “not available” in the claim element “receiving by the decider system (D) an availability status of R-A, where a possible availability status includes not available.”

The Examiner suggests Figures 24A and 24B, column 17 line 55-column 18, line 5 and column 19 lines 32-55 of Gisby teaches “wherein a callback function is indicated, the party to the called back (the requester) is unavailable, and the meeting does not occur until both parties are available.” The Applicant traverses this statement.

The specification as filed explicitly teaches examples of a requestor hanging up and still being available. See for example, paragraph [0056] which teaches “Recently off-hook: Probably available” as a criteria for determining availability. Thus, the fact that a requestor has hung up, in the cited art, does not necessarily teach that the requestor is “unavailable,” and the art cited by the Examiner does not teach “a possible availability status includes not available,” as recited in Claim 1.

Assuming for the sake of argument, that placement of the requestor on a call back list and the requestor hanging up represented unavailability of the requestor, there would be no way in the teachings of Gisby to recover from this state. Specifically, once the requestor hung up there would be no way for the system to determine when the requestor became available again and can receive the callback.

Further, the Applicant **has now twice** previously argued:

In rejecting Claim 1 the Examiner states “Yacenda et al. discloses that the requestor (who called an unavailable target party) leaves his/her number for callback and then when the target party becomes available, the requestor is no longer available (and thus his /her status is unavailable).” The Applicant traverses this statement.

Those parts of Yacenda cited by the Examiner teach determining if a **called** party is unavailable. See, for example, step 1910 in Fig. 24. In the context of Claim 1, the called party would be the target and the caller would be the requester. Thus, the unavailability that is determined in Yacenda is again that of the target not a requestor. (Emphasis in original)

The Examiner does not appear to have responded to this argument. The Examiner is reminded that the Examiner must respond to these arguments. Specifically, MPEP §707.07(f) is entitled "Answer All Material Traversed" and states "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." The Applicant, therefore, again requests that the Examiner point out a teaching of "*receiving by the decider system (D) an availability status of R-A, where a possible availability status includes not available,*" where it is the availability of the **requester** that is received, or allow Claim 1 and those claims that depend therefrom.

Further, the Applicant **has now twice** previously argued:

In the teachings of Yacenda the caller presumably hangs up after setting up the call back options. This action does not necessarily make the caller unavailable in some embodiments of the current invention. A caller can hang up and still be available. Availability is with regard to whether a party is ready to join in a meeting (e.g., call) and not whether they are holding on the line. See for example, page 3 lines 3-6, and page 6 line 12 through page 7 line 6 of the current specification as filed. To suggest that the caller hanging up teaches receiving an availability status of not available would be interpreting the term availability status in a manner that is contradictory to the specification.

The Examiner does not appear to have responded to this argument. The Applicant requests that the Examiner do so or allow Claim 1, and those claims that depend therefrom.

4) Further at issue in the rejection of Claim 1 is whether the combination suggested by the Examiner would product a non-workable system and, thus, that there would be no motivation to make the combination.

The Applicant previously argued that the combination suggest by the Examiner would result in an unworkable combination, (page 19 of previous response). In response the Examiner states "Examiner utilized Yacenda et al. to teach the concept that a possible

availability status of the requestor R-A or R-B includes not available. Examiner did not really [sic] on Yacenda et al. to disclose the underlying system on which the method operates. Yacenda et al. discloses that a requestor disconnects from the system and this is unavailable because he/she is no longer in the queue waiting to connect with the second party.”

To establish a prima facie case of obviousness, three basic criteria must be met. The second of which is that there must be a reasonable expectation of success to modify the reference or to combine reference teachings. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03.

In rejecting under 103, the burden is on the Examiner not merely to show the teachings of limitations within separate art but to show that these teachings would be obvious to combine. The decision in In re Vaeck stands for the point that a combination that would not be likely to be successful would not be obvious.

The Examiner is combining the teaching of Yacenda, specifically an availability status that includes “unavailable,” with those of Gisby. However, the Applicant points out that Yacenda teaches that the availability status of “unavailable” is **only** available under a specific set of conditions, e.g., that the requester and target be on the same PBX. Presence on the same PBX is a requirement for the status of “unavailable” in Yacenda. This specific set of conditions is not met within the system of Gisby. Gisby is a call center in which callers are to be expected to call from a wide range of locations outside of a single PBX. See for example, column 1 lines 20-56 and in particular lines 52-56 which discusses pre-routing of calls. Thus, according to the requirements of Yacenda, it would not be possible to include an availability status that includes “unavailable,” within a system such as that of Gisby because Gisby includes more than a single PBX. There is,

therefore, not a reasonable expectation of success in the combination suggested by the Examiner. The Examiner cannot add the concept of “unavailable” to Gisby without the requirements taught in Yacenda. To do so would be contrary to the teachings of Yacenda.

In response to the Examiner’s statement that “Examiner utilized Yacenda et al. to teach the concept that a possible availability status of the requestor R-A or R-B includes not available. Examiner did not really [sic] on Yacenda et al. to disclose the underlying system on which the method operates,” the Applicant points out that while Yacenda need not disclose the “underlying system,” the teaching to be combined with Gisby must at least work within the system of Gisby. As pointed out above, this is not the case.

For at least the above reasons, the Applicant believes that Claim 1 and those claims that depend therefrom are allowable.

Regarding Claims 3 and 5,

Claim 3 recites:

3. (Previously Presented) The method of claim 1, wherein a system of the target T-A is polled to determine the availability of target T-A.

Claim 5 recites:

5. (Previously presented) The method of claim 1, wherein a system of a party is polled to determine the party’s availability.

1) At issue in the rejection of Claims 3 and 5 is the meaning of the claim term “polled.”

In rejecting Claim 3 the Examiner suggests that the polling of target T-A is taught by a teaching of “column 5, lines 5-11, wherein the system knows if the target is logged in and busy.” In response to the Applicant’s arguments that the cited art does not teach

polling, the Examiner states “the term poll means to survey in the broadest reasonable interpretation of the term.” The Applicant traverses this statement.

According to MPEP § 2111.01.II, the ordinary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art. *Phillips v. AWT Corp.* It is the position of the Applicant that one of ordinary skill in the art would equate the term “poll” with the term “survey.” Rather, in the arts of computer science and communication the term “poll” has a much more specific meaning. For example, the Microsoft Computer Dictionary 5th Ed. defines polling as:

The process of periodically determining the status of each device in a set so that the active program can process the events generated by each device, such as whether a mouse button was pressed or whether new data is available at a serial port. This can be contrasted with event-driven processing, in which the operating system alters a program or routine to the occurrence of an event by means of an interrupt or message.

Likewise, the Encyclopedia of Technology Terms (Que press 2001) defines polling as:

In electronic communication, ‘polling’ is the continuous checking of other programs or devices by one program or device to see what state they are in, usually to see whether they are still connected or want to communicate.

Specifically, in multipoint or multidrop communications (a controlling device with multiple devices attached that share the same line), the controlling device sends a message to each device, one at a time, asking each whether it has anything to communicate (in other words, whether it wants to use the line).

These definitions are provided merely for the purposes of example. However, they characterize polling as a specific type of communication mode to which there are alternatives. The Applicant is unable to identify any teaching in the cited art that Gisby uses the specific type of communication included in “polling,” rather than one of the alternatives.

The Applicant respectfully points out that the Examiner now has the burden of either accepting these definitions for the term “poll,” or to provide rebuttal evidence.

The Applicant is unable to identify any teaching within Gisby that fit within the term polling as used in communications and computer science. Therefore, Gisby does not teach “*wherein a system of the target T-A is polled to determine the availability of target T-A.*” as suggested by the Examiner.

Regarding Claims 4 and 6,

Claim 4 recites:

4. (Previously Presented) The method of claim 1, wherein the system of the target T-A pushes the availability status of target T-A to the decider system.

Claim 6 recites:

6. (Previously presented) The method of claim 1, wherein the system of a party pushes the party's availability status to the decider system.

1) At issue in the rejection of Claims 4 and 6 is whether the cited art teaches pushing of status information to the decider system by the Target T-A (claim 4) or by the party (claim 6).

In rejecting Claims 4 and 6 the Examiner states “Gisby et al. teaches wherein the system of a party pushes party’s availability status to the decider system (See column 5, lines 5-11, column 7, lines 1-15 and 30-50, wherein the system knows if the target is busy based on status information established by the target).” The Applicant traverses this statement.

Column 5 lines 5-11 teach “[t]he status of telephones at agent stations is also monitored, so the application has access to real-time information as to which logged-in agents are busy on a call and which are not. ...” Column 7 lines 1-15 teach “an agent residing at agent station 33 may be reported busy because he is answering E-mails and

cannot be interrupted by a telephone call unless it is of priority 7 or above.” Column 7 lines 30-50 teach “[an agent’s] status was made available to reporting software via a database so that no calls,” “availability status of agent such as agents 1-4 will change in real time....” and “Agent 4 is reported busy...”

First, while the cited art teaches “monitoring,” “reporting” or making “available” of status information, the Applicant is unable to find any teaching that this includes *pushing* by a target system the availability status of the target to a decider system (Claim 4) or pushing by a party system the availability status of the party to the decider system (Claim 6). Specifically, the Applicant is unable to identify any teaching that information is “**pushed**” rather than being communicated by some other means, for example pulling.

The term “push” has specific meaning in the field of computer science. For example, Barron’s “Dictionary of Computer and Internet Terms” (8th ed. 2003) Defines pushing as “the process whereby the network delivers information to a client machine without waiting for the user to request it... (contrast PULL).”

This definition is provided merely for the purposes of example. However, it characterizes polling as a specific type of communication mode to which there alternatives, e.g., pulling. The Applicant is unable to identify any teaching in the cited art that Gisby uses the specific type of communication included in “pushing,” rather than one of the alternatives.

Regarding Claims 7, 8 and 54, the Applicant believes that Claims 7, 8 and 54 are allowable for at least the same reasons as Claim 1 from which they depend. For example, call priority is not equivalent to caller availability as suggested by the Examiner.

Regarding Claim 55:

Claim 55 recites:

55. (Previously Presented) The method of claim 54, wherein the availability status is one of in, out, and unknown.

In rejecting Claim 55 the Examiner again suggests that the teaching of “priority” teaches “availability status.” In response the Applicant previously pointed out that, in Claim 55, the “availability status” is specified as being “one of in, out, and unknown.” The Applicant also pointed out that it would not make sense for a priority to be “one of in, out, and unknown.”

The Examiner does not appear to have responded to this argument. The Applicant, therefore, again requests that the Examiner specifically point out how a teaching of priority teaches an “availability status” of “in,” “out” and “unknown,” or allow Claim 55.

Regarding Claims 72-77, 79, 81 and 82,

It is the position of the Applicant that Claims 72-77, 79 and 81 are allowable for at least the same reasons as Claim 1, from which they depend.

Regarding Claim 78,

Claim 78 recites:

78. (Previously Presented) The method of claim 1, wherein a non-common requester R-A or R-B is party to another, distinct meeting request.

1) At issue in the rejection of Claim 78 is whether or not the limitations of Claim 78 require that a caller is a party to more than one request.

The Applicant believes that the limitations of Claim 78 require that a caller be a party to more than one meeting request. The Examiner believes that the limitations of Claim 78 do not require that a caller be party to more than one meeting request. The Applicant and the Examiner appear to agree that if Claim 78 did require that the caller be

a part to more than one meeting request, then the cited prior art would not anticipate Claim 78.

To clarify:

- (a) By characterizing the requestors R-A and R-B as non-common, then T-A and T-B must be the common party because as recited in Claim 1, at least one of (R-A and R-B) or (T-A and T-B) are common.
- (b) As such the requests recited in Claim 1 by R-A and R-B must be made to the same common target.
- (c) These requests by R-A and R-B are not distinct because they are directed at the same target.
- (d) The language of Claim 78 states that one of the requestors is “party to another, distinct meeting request.”
- (e) This other distinct meeting request cannot be one of the requests recited in Claim 1 because these requests, as discussed above are not distinct.
- (f) Therefore, at least one of R-A and R-B must be a party to an additional request that other than those recited in Claim 1.
- (g) The request recited in Claim 1 plus the additional request not recited in Claim 1 makes two requests and that requestor must be a party to more than one request.
- (h) Finally, the cited art does not show that one of the requestors R-A and R-B is a party to more than one distinct meeting request and Claim 78 is not anticipated by the prior art.

Regarding Claim 84,

Claim 84 recites:

84. (Previously Presented) the method of claim 1, wherein the target is a specific individual selected by the requestor.

1) At issue in the rejection of Claim 84 is the feasibility of combining the cited art with official notice taken by the Examiner.

The Examiner expressly admits that “[n]either Gisby et al. nor Yacenda et al. expressly disclose that the target is a specific individual selected by the requestor.” The Examiner further “takes official notice that it is old and well known in the telephone art for a calling party to request a specific individual when placing a call to a second organization, such as when a person calls a company and asks to speak with a certain manager.” The Examiner is suggesting that the system of Gisby be modified to allow a requestor to select a specific one of Agents 1-4 of Gisby et al.

It is the Applicant’s position that such a modification is in direct contradiction to the teachings of Gisby. As such, the art teaches away from the Examiner’s suggested modification and the rejection under 103(a) lacks proper motivation.

Gisby is quite specific that “[d]estinations, in the call center agent stations are selected on a basis of agent availability,” (abstract). This “maximizes efficiency of call centers,” (Col. 3 lines 25-26). The modification suggested by the Examiner would cause agents to be selected on a basis other than that of availability because the selection would have to be made before the agent becomes available. This contradicts the teachings of the cited art. Further, it is a goal of Gisby to “maximize[s] efficiency of call centers. To allow callers to select specific targets would reduce the efficiency of call centers because agents would no longer be assigned to calls on the basis of agent availability. Thus, the modification suggested by the Examiner is contrary one of the primary goals of Gisby, Gisby teaches away from the suggested modification and the modification lacks proper motivation.

Regarding Claims 85 and 87, the applicant believes that Claims 85 and 87 are allowable for at least the same reasons as Claims 1 and 84.

Claims 56-57 and 80 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby in view of Yacenda and in further view of Vaios (U.S. 6,272,216.

Regarding Claim 56,

Claim 56 recites:

56. (Previously Presented) The method of claim 1, further comprising displaying an availability status of the target T-A on the requester system, along with an indication that the requestor has requested a meeting with the target.

1) At issue in the rejection of Claim 56 is whether the addition of the teachings of Vaios to those of Gisby would produce a result that is contrary to the teachings of Gisby, and there would, therefore, not be a proper motivation to make the combination.

In rejecting Claim 56 the Examiner states it “would have been obvious to one of ordinary skill in the art ... also allow the requester system to view availability data and meeting requests by the requester in order to more efficiently let the requester gain service in a more timely manner” The Applicant traverses this statement.

It is the position of the Applicant that the combination of Vaios and Gisby does not have a reasonable expectation of success because those features of Vaios used to display the availability status of a target (agent) are not possible in Gisby. Further, adding these features to Gisby would be directly contrary to the proposes of Gisby.

Specifically, in Gisby the requestor may be eventually connected with any one of the Agents 1-4. Because in Gisby agents are selected on the basis of availability it is not known in Gisby which agent the requestor will be connected. For example, the target that the requestor is eventually connected to is a function of which target becomes

available first after the requestor has reached the first position in the queue. This target is not known before hand. Gisby specifically teaches this approach. For example, Gisby is quite specific that “[d]estinations, in the call center agent stations are selected on a basis of agent availability,” (abstract). This “maximizes efficiency of call centers,” (Col. 3 lines 25-26).

In contrast, in Vaios it is known which specific target the requestor will eventually be connected to well before the connection is made, e.g. while the requestor is waiting. In Vaios it is possible to display the availability status of the target a requestor will eventually be connected with *only because* that target has been specified (by one of many alternative mechanisms) while the requestor is waiting.

To modify Gisby so as to display “*an availability status of the target T-A on the requester system*,” as recited in Claim 56, it would be necessary to know which target the requestor will be connected to while the requestor is waiting. This would require that the target is selected before the target becomes available. As such the target would be selected on a basis other than agent availability. This is contrary to the teachings of Gisby and results in a less than maximum efficiency of call centers and, thus, eliminates one of the purposes of Gisby.

In order to combine the teaching of Vaios, of displaying the availability status of the target the requestor will eventually be connected to, with the teachings of Gisby, the teachings of Gisby would have to be modified such that the target the requestor will eventually be connected to is known in advance. This is required because otherwise the system would not know which targets availability to display. However, as discussed in the above paragraph, such a modification would be contrary to the teachings of Gisby and fail to “maximize[] efficiency of call centers.”

The proposed modification of Gisby using the teachings of Vaios is, therefore, contrary to the teachings of the cited art and the rejection under 103(a) should be withdrawn as lacking motivation.

Regarding Claim 57, the Applicant believes that Claim 57 is allowable for at least the same reasons as Claims 55 and 56.

Regarding Claim 80, the Applicant believes that Claim 80 is allowable for at least the same reasons as Claims 1 and 56.

Claim 83, 86 and 90 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby in view of Vaios.

Regarding Claim 83,

Claim 83 recites:

83. (Previously Presented) The method of claim 1, wherein the common party is the requestor R-A and R-B and the common party participates in both of the meetings M-A and M-B.

1) At issue in the rejection of Claim 83 is whether the cited art teaches all of the limitations of Claim 83.

In rejecting Claim 83, the Examiner admits that Gisby “does not expressly disclose that the common party is the requestor R-A and R-B and that common party participates in both of the meetings M-A and M-B.” The Examiner further suggests that Vaios teaches that a “requestor has two or more real-time meetings in the queue, and thus is the common party in both of the meeting[s]...” The Applicant traverses this statement.

The Applicant respectfully points out that none of the art cited by the Examiner teaches “*and the common party participates in both of the meetings M-A and M-B,*” as recited in Claim 83.

While Vaios teaches that a requestor may be queued for two meetings, once a first of the two meetings is initiated the requestor is removed from the queue of the second meeting. As such, Vaios teaches that the requestor “*participates*” in only one of the two or real-time meetings in the queue, not “*both*” as recited in Claim 83. See for example, Col. 6 lines 6-10 of Vaios which state “[i]f, however, additional queued requests were spawned as part of a multiple-agent or multiple-resource request on behalf of this caller, then at step 424, all of the remaining pending requests are deleted from the system.” Thus, once the first meeting is established all other pending requests are cancelled and a second pending meeting does not occur. The requestor never participates in the second meeting.

The Applicant, therefore, request that the Examiner specifically point out a teaching of “*and the common party participates in both of the meetings M-A and M-B,*” or allow Claim 83.

Regarding Claims 86, the Applicant believes that Claim 86 is allowable for at least the same reasons as Claim 1 from which it depends.

Regarding Claims 90, the Applicant believes that Claim 86 is allowable for at least the same reasons as Claim 88 from which it depends.

Claims 92-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby et al. in view of Yacenda and in further view of Vardi.

Regarding Claim 92,

Claim 92 recites:

92. (Previously Presented) The method of Claim 78, wherein the non-common requester R-A or R-B that is party to another distinct meeting request is a target in that meeting request.

1) At issue in the rejection of Claim 92 is whether the Examiner has failed to present a prima facie case for rejection under 103(a) because the prior art does not teach or suggest all the claim limitations.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03.

In rejecting Claim 92 the Examiner suggests that column 7 line 50 thru column 8 line 5 teach “wherein the requestor of the conference becomes the target of a callback or someone to be conference in.”

The text cited by the Examiner teaches:

User 10 may alternatively send a request, typically via the Internet, to an operator or an automatic telephone switch 28 to initiate two calls, one to user 10 and one to user 12, and conference the two calls using known conferencing means. User 10 typically can configure his client software to send the telephone numbers for himself and for user 12, or other means of identifying user 10 and user 12, in addition to billing information indicating who should be billed for the call, along with proper authorization. User 10 may request a conference call with more than one user by sending multiple telephone numbers and/or identifiers in this manner. User 10 may additionally indicate if a conference call is to be tried immediately, with calls to be conferenced-in as the specified telephone numbers become available, or tried only when all the telephone numbers requested for a conference are known to be available, such as through requesting the status of the telephone numbers as described hereinabove. User 10 may also initiate a call back, delivering his telephone number and availability to an automated switch, to be conferenced with one of the switch's outgoing dialing lines. User 10 may additionally indicate if a call back is to be tried immediately or tried only when the telephone number with which the call back is concerned is known to be available, such as through requesting the status of the telephone number as described hereinabove.

While this text teaches callbacks and conference calls, these are not examples of a “distinct meeting request” as recited in Claims 78 and 92. Specifically, the callback and

conference calls taught are both for the purpose of completing the original request and involve the same parties. They are, therefore, in response to the original request and are not distinct meeting requests.

The cited art, therefore, does not teach all the limitations of Claim 92 and Examiner has failed to present a prima facie case for rejection under 103(a) because the prior art does not teach or suggest all the claim limitations.

Regarding Claim 93,

Claim 93 recites:

93. (Previously Presented) The method of Claim 1, wherein the requestor R-A changes states from not available to available, while waiting for the realtime meeting M-A.

1) At issue in the rejection of Claim 93 is whether the cited art teaches all of the limitations of Claim 93, specifically, whether Vardi et al. teaches “*wherein the requestor R-A changes states from not available to available, while waiting for the realtime meeting M-A,*” as recited in Claim 93.

In rejecting Claim 93 the Examiner states “Vardi et al. discloses the state of parties changing while waiting for a meeting, beginning with being unavailable, and ending available (See column 7, line 50-column 8 line 5, wherein the conference member is unavailable and becomes available.”

The cited text (quoted above in the discussion of Claim 92) does teach that the target of a meeting request changes states from not available to available. However, Claim 93 specifically recites that it is the “*the requestor R-A*” that changes states from *not available to available, while waiting for the realtime meeting M-A.*” A teaching of a target changing state does not anticipate a claim that recites that a “*requestor*” changes state. As such, the cited art does not teach all the limitations of Claim 93.

Regarding Claim 94,

Claim 94 recites:

94. (Previously Presented) The method of Claim 1, wherein the requestor R-A participates in another distinct realtime meeting while waiting for the realtime meeting M-A.

1) At issue in the rejection of Claim 94 is whether the art cited by the Examiner includes all the limitations of Claim 94, specifically “wherein the requestor R-A participates in another distinct realtime meeting.”

In rejecting Claim 94, the Examiner states “Vardi et al. discloses teaches the requestor R-A participates in another distinct real-time meeting while waiting for a meeting M-A (see column 7, line 50-column 8, line 5 wherein the requestor involves himself in another meeting while waiting for the other target to conference in). The text cited by the Examiner is quoted above in the discussion of Claim 92.

The text cited by the Examiner concerns the establishment of a conference call, in one instance a conference call can be “tried immediately, with calls to be conferenced-in as the specified telephone numbers become available.” However, the Applicant points out that meeting with a first target while waiting for a second target to join in to the meeting does not constitute “another distinct realtime meeting,” as recited in Claim 94. The conference call is a single meeting at which different people may join at different times. Even if, for the sake of argument, the conferencing-in of a second target were to be considered a second meeting, this meeting would not be “distinct” because it is still part of the same telephone call.

For at least these reasons, the text cited by the Examiner does not teach all of the limitations of Claim 94, and the Examiner has failed to provide a prima facie case for the rejection of Claim 94.

Regarding Claims 95 and 96, the Applicant believes that Claims 95 and 96 are allowable for at least the same reasons as Claim 1 from which they depend.

The Applicant believes that all pending claims are allowable and respectfully requests that the Examiner issue a Notice of Allowance. Should the Examiner have questions, the Applicant's undersigned representative may be reached at the number provided below.

In addition, Applicant respectfully invites the Examiner to contact Applicant's representative if the Examiner believes it will help expedite furtherance of this application.

RESPECTFULLY SUBMITTED,
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Date: May 9, 2008

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